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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR -12-00527- PSG
	)	
Plaintiff,	)	
	)	
v.	)	<b>STIPULATION TO CONTINUE</b>
	)	<b>STATUS HEARING TO OCTOBER 18,</b>
KATHLEEN BORKENHAGEN,	)	<b>2012; [<del>PROPOSED</del>] ORDER</b>
	)	
Defendant.	)	<u>HONORABLE PAUL S. GREWAL</u>
_____	)	

**STIPULATION**

Defendant and the government, through their respective counsel, subject to the court's approval, hereby stipulate that the Court continue the status hearing in the above-captioned matter, presently scheduled for September 17, 2012, at 9:30 a.m., to October 18, 2012, at 10:30 a.m. The reason for the stipulation is as follows. Counsel for Ms. Borkenhagen took an extended medical leave from July 25, 2012, until his return on August 27, 2012. Because of continuing health issues counsel is now working part time. Defense counsel has been working on preparing pretrial motions in the case of *United States vs. Luis Ruiz-Lopez*, case numbered CR-11-00749-LHK The *Ruiz-Lopez, id.*, case is set to proceed to trial on September 21, 2012.

Ms. Borkenhagen has provided her counsel with a number of documents which counsel has reviewed. However, he has not had time to review them with his client. Defense counsel needs additional time to confer with his client and investigate her concerns, as well of negotiate a possible disposition of the matter.

The parties further agree and stipulate that time should be excluded from and including September 17, 2012, through and including October 18, 2012, to provide counsel reasonable time to prepare, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A) and (B)(iv). Accordingly, the United States and the defendant agree that granting the requested exclusion of time will serve the interest of justice and outweigh the interest of the public and defendant in a speedy trial.

Dated: September 14, 2012

/s/  
MANUEL ARAUJO,  
Assistant Federal Public Defender

Dated: September 14, 2012

/s/  
TIMOTHY LUCEY,  
Assistant United States Attorney

**~~PROPOSED~~ ORDER**

Good cause appearing and by stipulation of the parties, it is hereby ordered that the status conference hearing in the above-captioned matter is continued from September 17, 2012, at 10:30 a.m., to October 18, 2012, at 10:30 a.m. It is further ordered that the period of delay from September 17, 2012, through and including October 18, 2012, be excluded for purposes of Speedy Trial Act computations pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

Dated: September 14, 2012

  
HONORABLE PAUL S. GREWAL,  
United States Magistrate Judge